

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In The Matter Of:

**ALLEN FLYNN DBA FLYNN
LIVESTOCK,**

Respondent.

**Docket No. FMCSA-2009-0016¹
(Midwestern Service Center)**

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

On January 29, 2009, the Field Administrator for the Federal Motor Carrier Safety Administration's Midwestern Service Center (Claimant) submitted a Notice of Settlement and Motion to Close the Docket. Claimant and Respondent entered into a Settlement Agreement which resolves the matters at issue here.

Under the Settlement Agreement, which was executed on January 23, 2009, and adopted as a Final Order,² Respondent agreed to pay \$5,026 in 15 consecutive monthly installment payments, with \$2,154 of the original civil penalty amount being suspended, conditioned upon: (1) Respondent not receiving any critical or acute violations in 49 CFR Parts 382, 391 and 396 during any compliance review within 2 years from the execution of the Agreement; and (2) Respondent paying the non-suspended portion of the civil penalty in accordance with the terms of the Agreement.³ The settlement is in the public interest, and, accordingly, it is accepted.⁴

¹ The prior case number of this matter was IN-2009-0114-US0001.

² Settlement Agreement, Section 10.

³ The Notice of Claim originally proposed a civil penalty of \$7,180.

⁴ See 49 CFR 386.22.

THEREFORE, *It Is Hereby Ordered*, the Settlement Agreement is the Final Order in this matter, the proceeding is dismissed, and the docket is closed.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

5-26-09
Date

CERTIFICATE OF SERVICE

This is to certify that on this 28 day of May, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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